



31 JAN 2007

IP Department
Air Liquide
2700 Post Oak Boulevard, Suite 1800
Houston, Texas 77056

In re Application of
SCHMUTZ et al.

U.S. Application No.: 10/565,712

PCT No.: PCT/FR04/50348

Int. Filing Date: 21 July 2004

Priority Date: 04 August 2003

Attorney Docket No.: Serie6353

For: CIRCUIT FOR SUPPLYING OXYGEN
TO AIRCRAFT PASSENGERS

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicants' "Renewed Petition under 37 CFR 1.47(a)" filed 22 January 2007 to accept the application without the signature of joint inventor, Jean Dehayes.

BACKGROUND

On 21 July 2004, applicants filed international application PCT/FR04/50348 which claimed a priority date of 04 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 24 February 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 04 February 2006.

On 25 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a copy of the international application; and a preliminary amendment.

On 11 May 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration. The notification set a two-month time limit in which to respond.

On 14 August 2006, applicants filed a Petition under 37 CFR 1.47(a) and a one-month extension of time. In a decision dated 30 November 2006, applicants' petition under 37 CFR 1.47(a) was dismissed without prejudice.

On 22 January 2007, applicants filed the present renewed petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor.

A review of the papers filed 22 January 2007 reveals that petitioner has paid the requisite petition fee, provided sufficient proof that the non-signing inventor (Jean Dehayes) refused to sign, stated the last known address of the non-signing inventor (Jean Dehayes), and provided an acceptable declaration. Accordingly, all of the requirements of items (1), (2), (3), and (4) above have been satisfied.


CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The application will be given an international filing date of 21 July 2004 under 35 U.S.C. 363, and a date of 22 January 2007 under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459